UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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CLEVELAND, OH 44115-1812

REGION XV

MICHIGAN
OHIO

June 17, 2024

Via e-mail only to [redacted content]

Kelly Cruz
Associate General Counsel
Office of the Vice President and General Counsel
University of Michigan
1109 Geddes Avenue—Ruthven Building 2300
Ann Arbor, Michigan 48109-1079

Re: OCR Docket Number 15-24-2066 and
OCR Docket Number 15-24-2128

Dear Kelly Cruz:

This letter is to notify you of the disposition of the above-referenced complaints filed with the U.S. Department of Education, Office for Civil Rights (OCR), against the University of Michigan (the University) alleging that the University discriminated against students on the basis of their national origin (shared Jewish ancestry/Israeli) by failing to respond to incidents of harassment during the 2023-2024 school year consistent with the requirements of Title VI.

OCR enforces Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. § 2000d *et seq.*, and its implementing regulation at 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color, or national origin by recipients of federal financial assistance. As a recipient of federal financial assistance from the Department of Education, the University is subject to this law.

During its investigation to date, OCR reviewed information provided by the Complainants and the University. Before OCR completed its investigation, the University expressed an interest in resolving the complaints pursuant to Section 302 of OCR's *Case Processing Manual*. During OCR's investigation, OCR reviewed documentation of 75 reports of alleged discrimination or harassment on the basis of shared ancestry that were reported during the 2022-2023 and 2023-2024 school years, up to February 2024. OCR identified concerns regarding the effectiveness of the University's responses, as required by Title VI. This letter discusses OCR's concerns below.

LEGAL STANDARD

The regulation implementing Title VI, at 34 C.F.R. § 100.3, provides that no person shall, on the basis of race, color, or national origin, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program to which Title VI applies.

Title VI's protection from national origin discrimination extends to students who experience discrimination, including harassment, based on their actual or perceived shared ancestry or ethnic characteristics, such as students of Jewish, Palestinian, Muslim, Arab, and/or South Asian descent, or citizenship or residency in a country with a dominant religion or distinct religious identity, or their association with this national origin/ancestry. The existence of a hostile environment based on national origin that is created, encouraged, accepted, tolerated, or left uncorrected by a recipient constitutes discrimination on the basis of national origin in violation of Title VI.

To establish a violation of Title VI under the hostile environment theory, OCR must find that: (1) a hostile environment based on race, color, or national origin existed; (2) the recipient had actual or constructive notice of the hostile environment; and (3) the recipient failed to take prompt and effective action to end the harassment, eliminate any hostile environment and its effects, and prevent the harassment from recurring.

OCR interprets Title VI to mean that the following type of harassment creates a hostile environment: unwelcome conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from a recipient's education program or activity. Harassing acts need not be targeted at the complainant to create a hostile environment. The acts may be directed at anyone, and the harassment may also be based on association with others of a different national origin (the harassment might be referencing the national origin of a sibling or parent, for example, that is different from the national origin of the person being harassed whose access to the school's program is limited or denied).

The harassment must in most cases consist of more than casual or isolated incidents based on national origin to establish a Title VI violation. Whether harassing conduct creates a hostile environment must be determined from the totality of the circumstances. OCR will examine the context, nature, scope, frequency, duration, and location of the harassment, as well as the identity, number, and relationships of the persons involved. If OCR determines that the harassment was sufficiently severe or pervasive that it would have limited the ability of a reasonable person, of the same age and national origin as the victim, under the same circumstances, from participating in or benefiting from some aspect of the recipient's education program or activity, OCR will find that a hostile environment existed.

A recipient may be found to have violated Title VI if it has effectively caused, encouraged, accepted, tolerated, or failed to correct a hostile environment based on national origin harassment of which it has actual or constructive notice. A recipient is charged with constructive notice of a hostile environment if, upon reasonably diligent inquiry in the exercise of reasonable care, it should have known of the discrimination. In other words, if the recipient could have found out about the harassment had it made a proper inquiry, and if the recipient should have made such an inquiry, knowledge of the harassment will be imputed to the recipient.

If the alleged harasser is an agent or employee of a recipient, acting within the scope of their official duties, then the individual will be considered to be acting in an agency capacity and the recipient will be deemed to have constructive notice of the harassment.

Once a recipient has actual or constructive notice of a hostile environment, the recipient has a legal duty to take reasonable steps to eliminate it. OCR evaluates the appropriateness of the responsive action by assessing whether it was reasonable, timely, and effective. The appropriate response to a hostile environment based on national origin must be tailored to redress fully the specific problems experienced as a result of the harassment.

FACTUAL SUMMARY

University's Reporting Process and Policies

For allegations of Title VI discrimination or harassment by a member of the campus community against faculty/staff, Standard Practice Guidelines Policy 201.89-1 (Employee Policies and Procedures) outlines how complaints will be processed. For allegations against students, the Statement of Student Rights and Responsibilities (Student Policies and Procedures) applies. Both the Student and Employee policies contain nondiscrimination statements that prohibit discrimination based on a number of classes, including race, color, national origin and religion. Both also contain statements regarding Constitutional rights, including free speech, freedom of expression, press, religion, and assembly.

The University's Equity, Civil Rights and Title IX Office (ECRT) handles complaints against faculty/staff and the Office for Student Conflict Resolution (OSCR) handles student to student complaints. Notwithstanding this division of responsibilities, the Employee Policies and Procedures also state that ECRT "is responsible for ensuring and monitoring the University's compliance with federal and state nondiscrimination laws."

The Employee Policies and Procedures contain a specific definition of discrimination and harassment as conduct that is based upon a protected class that:

A. adversely affects a term or condition of an individual's employment, education, living environment or participation in a University activity;
B. is used as the basis for or a factor in decisions affecting that individual's employment; or
C. has the purpose or effect of unreasonably interfering with an individual's employment or educational performance or creating an intimidating, hostile, offensive, or abusive environment for that individual's employment, education, living environment or participation in a university activity.

The Student Policies and Procedures define harassment as "harassing or bullying another person—physically, verbally, or through other means," and "physically harming and/or directly threatening harm of any other person or group in a manner which would cause a reasonable person to fear for physical safety." The Student Policy further states that where bias or prejudice motivate the underlying misconduct, there is a separate conduct violation. This includes behavior motivated by any identity protected by the University's Nondiscrimination Policy. It states that sanctions may be enhanced when it is determined that actions were motived by bias, and that such violation "will be evaluated under current legal standards."

The Student and Employee Policies and Procedures have different reporting instructions. The Employee Policy and Procedures state that individuals with complaints *against employees* should

contact University officials such as the ECRT, a supervisor, a dean, director, or department head, the human resources office, the dean of students, or the dean's office for graduate school to make a complaint. The Student Policies and Procedures state that complaints *against students* of harassment, bias, and prejudice should be submitted to a Resolution Coordinator (RC) in the OSCR, in writing, within six months of the incident. The RC may dismiss a complaint at any stage if the RC reasonably believes the complaint is baseless or otherwise unsupported by the evidence, or that the underlying problem is better resolved in a different manner.

Both the ECRT and the OSCR processes allow for alternatives to a full investigation if parties voluntarily agree, including resolution through options such as mediation, conflict coaching, and facilitated dialogue. Both the ECRT and OSCR have specific guidelines for conducting their investigations and both processes result in written outcome reports. The Student Procedures provide for a hearing and appeal; the Employee Procedures provide for neither a hearing nor appeal. Notably, none of the policies and procedures that OCR reviewed contained any statements regarding the University's obligation under Title VI to respond to actual or constructive notice of harassment.

Although the policies and procedures reviewed do not detail other complaint processing options, OCR's review of complaint files showed that other offices besides ECRT and OSCR were also receiving and responding to complaints. For example, some reports or complaints went directly to the Campus Climate Support Team (CSS) within the Dean of Student's Office. The University's website describes the CSS as "a diverse group of professionals who are trained to have conversations regarding harassment based on one's identities (race, ethnicity, religion, gender identity or expression, disability, sexual orientation, ability status, age)." The website defines a "climate concern" to include "actions that discriminate, stereotype, exclude, harasses or harm anyone in our community based on their identity (such as race, color, ethnicity, national origin, sex, gender identity or expression, sexual orientation, disability, age, or religion). Concerns may stem from fear, misunderstanding, hatred or stereotypes. Behaviors may be intentional or unintentional." The CCS website states that the CSS "will ensure that your report is shared with the necessary officials or administrators and resolved in the most effective manner." The website states that concerns may be reported by phone to the CSS line, the Division of Public Safety & Security, and the Office for Institutional Equity, and also may be reported to the Dean of Students. It also offers the option of submitting a report via an online form. That form states that "it is not the role of CCS to investigate or determine whether a reported concern involved a violation of university policy," and refers students to the OSCR.

Incidents of Alleged Discrimination or Harassment & the University's Response

In response to OCR's request for data, the University provided a spreadsheet listing 75 reports of alleged harassment and/or discrimination based on national origin, including shared ancestry, that were filed with the University from August 2022 through February 2024. Of the 75 reports 25 reports were submitted to OSCR and 50 were submitted to ECRT. The University also provided documentation related to the 75 complaints, including documents that show how the University addressed the reports. Eight of the reported incidents are double counted as they were initially filed with ECRT but then were referred to OSCR (seven of the reports) or went from OSCR to ECRT (one report). Of the 75 reports in the data, the documentation submitted by the University shows that the University only investigated and made findings in a single complaint

that was referred to its Office of General Counsel (OGC) and related to a request for an accommodation for religious reasons and was not regarding shared ancestry-based harassment.

Whether processed by the ECRT or the OSCR, the complaint files related to reports of alleged harassment OCR has reviewed to date contained no information showing the University considered whether a hostile environment potentially existed. ECRT and OSCR's processes focused on the Complainant's wishes and, in some cases, on providing supportive measures to the parties, and not on determining if a hostile environment existed at the University. The University did not provide, in its spreadsheet, information regarding the disposition of complaints referred to CCS; as noted above, the University represents that CCS does not investigate or determine whether a reported concern involved a violation of University policy, and thus it is unlikely that any of these referrals were investigated. In addition, the University did not provide OCR with any information about what actions, if any, other departments outside of OSCR and ECRT may have taken once reports were transferred to those departments.

The outcomes of the 50 reports that originated with ECRT varied, with complaints transferring or closing without investigation as follows:

- 16 complaints transferred to various different departments—seven to OSCR, two to the CCS, one to human relations, one to "Mich Med" and five cases to "other."
- three complaints closed after ECRT held an informational or educational conversation with the respondent.
- five complaints closed because the complainant, the respondent, or both were not affiliated with the University. ECRT referred complainants affiliated with the University to University resources.
- five complaints closed because the complainant was unresponsive.
- one complaint closed because the University could not identify the respondent.
- two complaints closed because the complaint was withdrawn or the complainant declined to pursue the matter.
- one complaint closed because it was not a matter covered by ECRT.

Resolutions with the ECRT took from one day to approximately four months (116 days).

Regarding the 25 complaints received by OSCR, the resolutions were similar to ECRT in that they either transferred or closed without investigation:

- ten complaints transferred to various other departments—six complaints to CCS, one to ECRT, one to an "external resource" and two to Housing Student Conflict Resolution (HSCR).
- three complaints closed because complainants withdrew their request for assistance.
- one complaint closed because OSCR determined that the allegation did not support the complainant's requested remedy.
- one complaint closed because OSCR determined that "no disciplinary pathways existed within OSCR."
- one complaint closed after OSCR utilized various alternative dispute resolution strategies including two "facilitated dialogues," two "circle processes," and conflict coaching.

- one complaint was resolved and responded to by the President's office/OGC.
- four complaints closed because the complainant did not respond to the University's attempted outreach.
- one complaint closed because the students, on behalf of whom [redacted content] had contacted OSCR, never contacted OSCR themselves.

Resolutions with OSCR took from one day to three months.

Following are examples of the reports the University received and the University's response. The reports were not limited to one school, department, or activity. Specifically, one of the complaints involved [redacted content], a student organization; three involved pro-Palestinian protests on campus; one involved the School [redacted content]; three involved student social media accounts; two involved the Ross School of Business; one involved a class, [redacted content]; two involved graduate students and their union, the Graduate Employees Organization (GEO); one involved the School [redacted content]; one involved the [redacted content] department; and one involved [redacted content].

1. [redacted content] December [redacted content] 2022, student [redacted content] reported a series of incidents that upset them when [redacted content] discussing getting rid of hijabs and "Jews ruling the world." An educational conversation with the [redacted content] was held; no other action was taken.
2. [redacted content] January [redacted content] 2023, a report was filed alleging a [redacted content] showed people participating in a parade on campus while allegedly chanting for the removal and death of the Jewish people and the state of Israel. Under "University responsive actions" the spreadsheet states that the University "[r]esponded to reporter that the case was reviewed and that the matter, as reported, appears to be outside the scope of ECRT. Articles showed pro-Palestinian protestors on campus…engaging in protected activity." The report was referred to CCS. A second complaint was made regarding this protest, and it, too, was closed without ECRT taking any action. The University has not to date provided OCR with documents regarding CCS responsive actions, if any.
3. [redacted content] March [redacted content] 2023, a report was filed stating that a swastika symbol had been crafted out of push pins on a bulletin board [redacted content] of the School [redacted content]. [redacted content] documented it (a photo was provided) and then removed it. ECRT determined that, because the respondent was unknown, no action by ECRT was appropriate.
4. [redacted content] March [redacted content] 2023 a report was made regarding [redacted content] "spreading antisemitic hate online." OSCR said that: "Complained of behavior appears to have involved protected speech; while no formal pathway may exist in OSCR, conflict resolution is available. Party did not respond to outreach. Information forwarded to Campus Climate Support (CCS)."
5. [redacted content] October [redacted content] 2023, a report was made by [redacted content] regarding the actions of [redacted content] who allegedly approached [redacted content]. ECRT closed the case with no action taken; [redacted content]. Several complaints were made about this incident.
6. [redacted content] October [redacted content] 2023, a report was made (and several subsequent reports were made) regarding comments made by the [redacted content] in a

class, [redacted content]; many [redacted content] reported that the comments, regarding the current conflict, were harassing (e.g., the [redacted content]. ECRT took almost four months to close this case; they were told that [redacted content], and ECRT planned on having an Informational Conversation with [redacted content].

7. [redacted content] October [redacted content] 2023, a report was made to OSCR that [redacted content]. The complainant said that [redacted content] felt uncomfortable talking to [redacted content] about this, as [redacted content]. OSCR reported that they reached out to the complainant, "who ultimately decided that OSCR services were not what they wanted."
8. [redacted content] October [redacted content] 2023, OSCR received a request for services from a student regarding a comment that was made on social media. [redacted sentences]. OSCR said to a student "your interest for resolution in this situation was in a more formal conflict resolution pathway. This pathway requires a violation of the Statement of Student Rights and Responsibilities, and evidence to substantiate that violation. I have been able to review [redacted content], and formal conflict resolution is not a path forward at this time. Using [redacted content] to communicate, regardless of the content being communicated, is largely going to be protected as free speech, unless there is a clear and direct threat. . . . As we discussed Friday, we do have many conflict resolution pathways available that do not require policy violations. The main goal for these pathways is in sharing perspective and repairing harm."
9. [redacted content] October [redacted content] 2023, ECRT received several reports that there was a protest on central campus where people were shouting "Fuck education, Nazi liberation." ECRT forwarded the reports to public affairs for response.
10. [redacted content] November [redacted content] 2023, a [redacted content] reported to ECRT, "[redacted content] posted hate speech on their Instagram and Facebook accounts." The report was regarding the phrase "from the river to the sea" which the [redacted content] said the anti-defamation league has determined to be antisemitic hate speech. The reporter said: "I asked them to take it down and they didn't --this organization represents [redacted content], how is it ok for them to post hate speech against Jews? It is extremely upsetting for me as [redacted content], can you imagine how Jewish undergrad students feel?" ECRT told the [redacted content] they were not taking any action as this was a free speech issue; they said that the [redacted content] could make a report to CCS; the complainant responded that she had already contacted CCS and that they never responded.
11. [redacted content] November [redacted content] 2023, a report was made to OSCR regarding an incident a few weeks earlier involving a [redacted content] who "had a negative and harmful interaction with a [redacted content] related to the conflict in the Middle East." [redacted content] was participating in a pro-Palestine protest, and [redacted content] yelled at [redacted content] that [redacted content] was supporting rape and murder, and that [redacted content] has terrorist friends. The report stated [redacted content] was quite distraught and it was clear that the incident impacted [redacted content] greatly. [redacted sentence]. The case was closed after OSCR held restorative circles for staff, faculty, and students.
12. [redacted content] November [redacted content] 2023, a report was made to OSCR; the reporter, who wanted to remain anonymous, said that ECRT had referred them, and that the reporter had also contacted [redacted content]. The report states that the week of

[redacted content] OSCR told the reporter that, as they wished to remain anonymous, there was nothing OSCR could do, although the reporter was referred to CCS.

13. [redacted content] December [redacted content] 2023, the University's [redacted content] contacted ECRT asking for advice, by trained professionals, on how to handle and deescalate the growing tensions within [redacted content]. [redacted content] stated that there had been previous reports to ECRT regarding student concerns but that [redacted content] had not heard back regarding the investigation/process/status of the reports. [redacted content] stated that ongoing issues within [redacted content] Department on the Israeli/Palestinian issue with regard to freedom of speech, harassment being felt by both sides of the issue, and the [redacted content] lack of response to tension were being felt by all involved. ECRT advised [redacted content]. The case was referred to HR.
14. [redacted content] December [redacted content] 2023, a report was made to OSCR by [redacted content] regarding an interaction between [redacted content] made antisemitic statements towards another student who identifies as Jewish. The report included [redacted content]. Documents show that according to the [redacted content]. [redacted sentence]. OSCR closed the case saying that [redacted content] determined they would address the matter.

Other Responses by the University

On October 9, 2023, the University reached out to any students who had a home address listed in Israel or Gaza to offer support resources and services. These communications did not provide information on how to report discrimination or harassment for a response by the University. University President Ono addressed the University via email on October 10, 13 and 27 and December 5, 2023. In these emails, President Ono provided information on various resources and services to support the community; however, no information was provided on how to report discrimination or harassment. Additionally, various deans reached out to their schools during the fall of 2023 and offered support resources and services to their students. None of the dean emails OCR reviewed provided information on how and where to report discrimination or harassment for a response by the University.

OCR also reviewed training materials the University submitted on the topics of Title VI discrimination and harassment delivered during the fall of the 2023-2024 school year. None included reference to shared ancestry or ethnic characteristics as a basis or as an example of Title VI discrimination. OCR found that the trainings were inconsistent with regard to where and how discrimination could be reported.

The University informed OCR that it is currently in the process of evaluating and revising the manner in which it processes these complaints. Specifically, the University informed OCR that:

> As a result of a rising number of reports, increasing complexity in cases, and the general tumult within our campus community, the University is in the process of developing a standalone policy and procedures under which reports against students of discrimination other than sex will be administered by the University's Equity, Civil Rights, and Title IX Office. Pursuant to this new framework, if during ECRT's intake, the matter doesn't meet the criteria for an investigation, it

may be referred to OSCR for Adaptable Conflict Resolution. If the matter does require an investigation, ECRT will perform the investigation.

Recent Events

Publicly available information indicates the existence of ongoing incidents of harassing conduct; because these reported incidents postdate the University document production to date, OCR does not have information from the University regarding any relevant University evaluation or response. For example, a late March 2024 news article noted that after a pro-Palestinian protest disrupted an honors convocation, President Ono said that the University was drafting a policy governing disruption of University operations. In early April 2024, antisemitic vandalism in the form of graffiti equating a swastika to the Star of David was reportedly found on a bench outside the University's Hillel building and a flier with a similar message was reportedly found on a telephone pole next to the building.

Protests occurred during the University's graduation ceremony on May 4, 2024. By accounts in news articles, graduates held Palestinian flags, chanted pro-Palestinian messages and held pro-Palestinian signs. A University spokesperson told news outlets that public safety escorted the protestors to the rear of the stadium, where they remained until the event's conclusion, and that "peaceful protests like this have taken place at U-M commencement ceremonies for decades."

On May 15, 2024, more than 30 student protesters reportedly staged demonstrations at the homes of members of the University Board of Regents. The protesters placed tents, fake corpses wrapped in bloody sheets, and bloody toys on the members' lawns and porches. Protesters marched and chanted in at least one board member's neighborhood in the early morning hours and posted demands on doors. The individuals protesting hid their identities with masks but several student groups who have also organized the campus tent encampment claimed responsibility for the protest. The University put out a statement the same day stating "the tactics used today represent a significant and dangerous escalation in the protests that have been occurring on campus. Going to an individual's private residence is intimidating behavior and, in this instance, illegal trespassing. This kind of conduct is not protected speech; it's dangerous and unacceptable."

According to publicly available information, on May 21, 2024, police removed an encampment that had been in place for approximately 30 days in the center of campus, in an area called the "Diag." Students had vowed to remain at the encampment until the University "divests" from Israel by cutting financial ties. Reportedly, police asked protesters to leave voluntarily before clearing the encampment. Students reported to news outlets that police in riot gear used pepper spray during the process of removing the encampment. It is not clear whether anyone was affected by the spray, however four people were arrested for resisting and obstructing. The University President's office issued a statement regarding the encampment's removal, reiterating that the University must regulate the time, place, and manner of expression, stating that the encampment was causing safety concerns as determined by the fire marshal, and stating that the disregard of safety directives was part of a series of rule violations.

LEGAL ANALYSIS

OCR is concerned that the University appears not to have taken steps to assess whether incidents about which it had notice individually or cumulatively created a hostile environment for students, faculty, or staff, and, if so, to take steps reasonably calculated to end the hostile environment, remedy its effects, and prevent its recurrence. In none of the reports summarized above did OCR identify any information in the documentation provided by the University that the University assessed whether a hostile environment was created for students, faculty, or staff. It appears that in some incidents the University took no steps to respond aside from referring the reporting student to CSS, on the basis of a University determination that the incident involved protected speech and did not involve a direct threat. These incidents included, for example, a [redacted content] and [redacted content] discussion of pro-Palestinian topics by [redacted content]. While the University may not discipline speakers for protected speech, the University retains a Title VI legal obligation to take other steps as necessary to ensure that no hostile environment based on shared ancestry persists. At minimum, therefore, the University has an obligation to evaluate whether any incidents of harassment of which it has notice rise to the level that they create a hostile environment to which the University must respond promptly and effectively.

Some records the University produced reflect that University responses were not designed to remedy any existing hostile environment resulting from shared ancestry-based harassment. For example, when protesters shouted on the central campus "Fuck education, Nazi liberation," University records reflect that the University forwarded the reports to public affairs for response and do not identify any other steps taken to assess the existence of or redress any resulting hostile environment from the conduct. Likewise, after a student reported to the University that [redacted content] yelled at an accusation at her that she had "terrorist" friends because she participated in a pro-Palestinian protest, the University reported that it held restorative circles to address the incident, but took no further action, including taking no action to address effects on students from the widely reported incident.

The information provided by the University to date in this investigation also raises concerns that diffuse University policies leave students, faculty, and staff unclear as to how the University will respond to alleged discrimination. The structure for receiving and responding to reports and complaints of harassment splits responsibility between ECRT and OSCR, but various other offices become involved without clear policies outlining when that will occur or what role those offices fill. For example, the CCS includes discrimination and harassment under its definition of "climate concern" and it receives reports of harassment, but it is unclear, because the University did not provide to OCR documents regarding CCS's response to reports, whether CSS responds to harassment complaints in compliance with Title VI or forwards the reports to another University unit to do so. In addition, the policies contain different definitions of harassment for faculty/staff than for students, and the Student Policy and Procedures does not accurately capture harassment that violates Title VI as opposed to harassment or bullying generally. Although the University's ECRT, by policy, is responsible for ensuring compliance with federal antidiscrimination laws, the ECRT does not appear to evaluate reports or oversee responses to determine compliance with University policy or Title VI. University records reflect referrals to different University departments without oversight of whether or how the complaints were ultimately addressed or whether any response was prompt or effective. OCR notes that the University represented to OCR that it is evaluating and taking steps to change its decentralized way of receiving and responding to reports of Title VI harassment and discrimination from students and employees and revising its policies and procedures.

Under Section 302 of OCR's *Case Processing Manual*, allegations under investigation may be resolved at any time when, prior to the conclusion of the investigation, the recipient expresses an interest in resolving the allegations and OCR determines that it is appropriate to resolve them because OCR's investigation has identified concerns that can be addressed through a resolution agreement. In this case, the University expressed an interest in resolving the allegations prior to the conclusion of OCR's investigation and OCR determined resolution was appropriate. The University signed the enclosed Resolution Agreement, which, when fully implemented, will address all of the allegations in the complaints. OCR will monitor the implementation of the Resolution Agreement.

This letter sets forth OCR's determination in individual OCR cases. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public. Individuals who file complaints with OCR may have the right to file a private suit in federal court whether or not OCR finds a violation.

Please be advised that the University must not harass, coerce, intimidate, discriminate, or otherwise retaliate against an individual because that individual asserts a right or privilege under a law enforced by OCR or files a complaint, testifies, assists, or participates in a proceeding under a law enforced by OCR. If this happens, the individual may file a retaliation complaint with OCR.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. If OCR receives such a request, it will seek to protect, to the extent provided by law, personally identifiable information, that, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

OCR looks forward to receiving the University's first monitoring report. For questions about implementation of the Agreement, please contact Kimberly Kilby, Senior Attorney, who will oversee the monitoring and can be reached by telephone at [redacted content], or by e-mail, at [redacted content] . If you have questions about this letter, please contact me by telephone at [redacted content], or by e-mail, at [redacted content].

Sincerely,

/s/

Brian Gnandt
Regional Program Manager

Enclosure